

# Governance Structure

## Delegations to Committees

February 2017



# Record of Amendments

| Version | Date      | Summary  |
|---------|-----------|--|
| 1       | 1/12/2016 | First reviewed version following triennial election 2016   |
| 2       | 23.02.17  | Amended Finance and Audit Delegation to include process to approve and monitor the Mayor's expenditure including credit card(s). |
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# 1. Introduction

## 1.1 General

This Delegations Manual includes the Governance Structure which details how Gisborne District Council:

- carries out its governance functions; and
- formally delegates its powers and responsibilities.

The Governance Structure is developed in accordance with the provisions and requirements of the Local Government Act 2002.

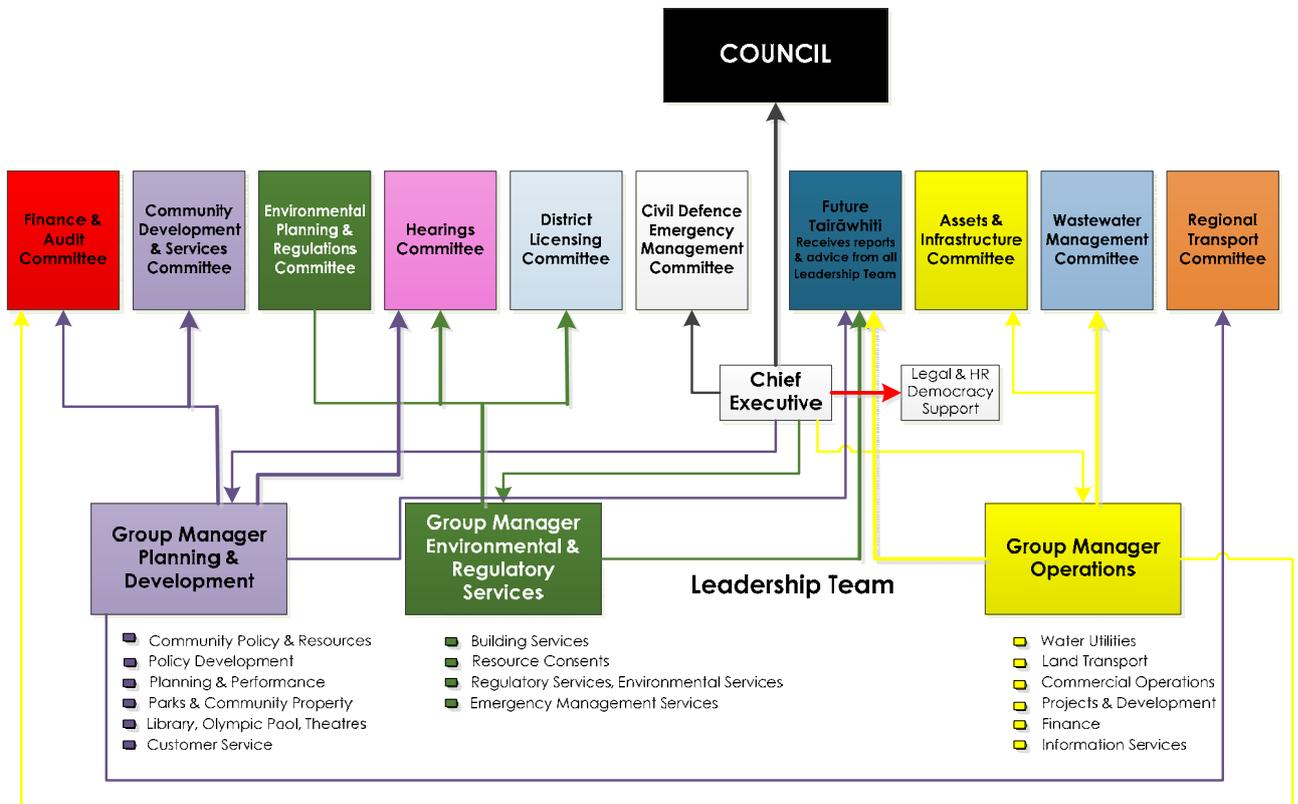
In accordance with section 41A of the Local Government Act 2002 the Mayor has the power to establish the committees of the governing body and appoint the chairperson of each committee of the governing body before the other members of the committees are determined.

The review of this Delegations Manual takes place following the triennial elections. Following adoption, the structure and terms of reference for committees and other delegates are reviewed on a regular basis, or as required.

The delegations to Committees and Subcommittees are set out in full in this document.

## 1.2 Governance Structure

### Overview of Council & Chief Executive Delegations



### 1.3 Establishment of Committees

The Mayor has the power to establish the committees of the governing body and appoint the chairperson of each committee of the governing body before the other members of the committees are determined (section 41A of the Local Government Act 2002).

Committee includes, in relation to the Council:

- a. A committee comprising all the members of the Council;
- b. A standing committee or special committee appointed by the Council;
- c. A standing committee or special committee appointed by the Mayor;
- d. A joint committee appointed under clause 30 of Schedule 7 of the Local Government Act 2002;
- e. Any subcommittee of a committee described in items (a) (b), (c) or (d) of this definition;  
and
- f. A subordinate decision-making body, including Subcommittees and Forums.

### 1.4 Principles of Delegation

1. Delegation means the assignment of a duty or power of action to another together with the authority to carry out that duty or complete the action assigned with responsibility for the outcome.
2. As many powers of Council as possible (within statutory limits) be delegated to the Committee and Chief Executive level (who may then subsequently sub-delegate those powers) to enable Council to focus on its governance role.
3. Council retains the right to also act in any matter where delegated authority applies; it does not part with the function, duty or power being delegated. Council, the Chief Executive and senior management retain ultimate accountability for the affairs of Council. Council retains full responsibility for governance, statutory and financial powers, duties and responsibilities and contract specifications at all times.
4. Where it is expedient for Council to delegate tasks to a Committee that should be done. Where Council is not able to delegate the power to make a decision it may still delegate the power to make a recommendation. Governance functions will only be sub-delegated to sub-groups of elected members and not to employees or contractors.
5. Where activities do not contain a governance component and are not limited by statutory restrictions then they should be delegated to the Chief Executive level, whereupon they may be sub-delegated.
6. Management duties and responsibilities (including the management of Council finances within the approved Long Term Plan and management of contractor performance) are the responsibility of the Chief Executive and senior management.
7. Authority and responsibility are inseparable. Those with responsibility for a task should always have responsibility to carry it out effectively.
8. Unless specifically time-limited, a delegation continues in force until revoked, altered or varied by the delegator or Council.
9. Council expects any decision it makes to be implemented without further reporting. Only if an exception occurs should further reporting be necessary.

10. The following matters may not be delegated:
  - (a) The powers expressly excluded in Clause 32(1), part 1, Schedule 7 of the Local Government Act 2002.
  - (b) Any matter not permitted to be delegated by any other Act (for example the approval of a policy statement or plan under the Resource Management Act 1991); and
  - (c) Any matter that can only be given effect to by a Council resolution.
11. The making of policy will be a matter for Council as a whole with policy matters to be raised either upon the recommendation of a Committee or referred directly to Council in the first instance when so agreed between the Chairperson of the relevant Committee(s) and the Mayor.
12. Any Committee (other than the Hearings Committee) on the motion of any member may resolve to refer any agenda item to full Council with or without recommendation as resolved at the time.
13. A local authority may not rescind or amend a decision made by a Committee pursuant to a delegation authorising the making of the decision.

## 1.5 Delegated Powers to Committees

The Council delegates to the Committees all power necessary to perform the Committee's responsibility contained in their Terms of Reference, except those powers that cannot be delegated. Unless specifically stated in the Terms of Reference of Delegations of any of the Committees, no Committee has the authority to:

- enter into a contract outside its delegated powers and not otherwise in accordance with the law;
- appoint Council representatives on anybody not specifically related to the responsibilities of that Committee;
- exercise the powers or duties conferred or imposed on Council by the Public Works Act 1981;
- approve expenditure where no provision is made in the Long Term Plan (LTP) or the Annual Plan for that year;
- approve over-expenditure of any account;
- adopt general policies;
- initiate High Court proceedings.

## 1.6 Decision Making

All decisions made by Council, its Committees, or delegated to officers, must conform to the Decision Making Processes of Sections 76-81 of the Local Government Act 2002 (or as amended).

This includes express consideration of:

- all reasonably practicable options and an assessment of each option against set criteria (section 77), namely:
  - the benefits and costs in terms of the present and future interests of the district;

- the extent to which community outcomes would be promoted or achieved in an integrated and efficient manner;
- the impact, if any, on Council's capacity to meet present and future needs in relation to any statutory responsibilities;
- any other matter considered relevant;
- the Significance Policy and consistency with other policies;
- the purpose of local government and how the proposed activity meets the current and future needs of communities for good quality local infrastructure, local public services and performance of regulatory functions in a way that is most cost-effective for households and businesses.

Where appropriate staff must include consideration of the above in reports which recommend a decision by Council or its Committees.

If Council, or its Committees, wish to make a decision which is not one of the ones recommended in staff report then Councillors are obliged to consider their decision against the above criteria.

## 2. Council

|                            |  |
|----------------------------|--|
| <b>Chairperson:</b>        | Mayor Foon   |
| <b>Deputy Chairperson:</b> | Cr Stoltz  |
| <b>Membership:</b>         | The Mayor and all Councillors  |
| <b>Quorum:</b>             | Half of the members when the number is even and a majority when the number is uneven |
| <b>Meeting Frequency:</b>  | Six weekly (or as required)  |

### Terms of Reference:

The Council is responsible for strategic leadership, through the creation of policies based on the legislative mandate. The Council's terms of reference include the following powers which cannot be delegated to committees, subcommittees, officers or any other subordinate decision-making body which includes:

1. the power to make a rate; or
2. the power to make a bylaw; or
3. the power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-term Plan; or
4. the power to adopt a Long-term Plan, Annual Plan, or Annual Report; or
5. the power to appoint a Chief Executive; or
6. the power to adopt policies required to be adopted and consulted on under the (Local Government Act 2002) in association with the Long-Term Plan or developed for the purpose of the Local Governance Statement; or
7. the power to adopt a remuneration and employment policy; or
8. Terms of Reference and Delegations for the 2016-2019 Triennium; or
9. the power to approve or change a plan (RMA); or
10. the power to approve or amend the Council's Standing Orders; or
11. the power to approve or amend the Code of Conduct for elected members; or
12. the power to appoint and discharge members of committees or;
13. the power to establish a joint committee with another local authority or other public body; or
14. the power to make the final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the recommendation.
15. make those decisions which are required by legislation to be made by resolution of the local authority that are not listed in 1-14 above.
16. carry out leadership functions including advocacy and facilitation on behalf of the community.
17. exercise all non-delegatable and non-delegated functions and powers of the Council.
18. consider any matters referred to it from any of the Committees.
19. authorise all expenditure not delegated to staff or other Committees.

## Financial

1. To determine all financial matters not delegated.
2. To receive reports of the exercise of financial delegated authority pursuant to the Public Bodies Contracts Act 1959.
3. To approve Council's borrowing programme and treasury management strategy.
4. To undertake the statutory audit processes and to consider and approve the external audit arrangements, to receive the Auditor's reports and to approve the audited annual report.

Note: for 1-7 see clause 32(1) Schedule 7 Local Government Act 2002 and for 8-13 see clauses 15, 27, 30 Schedule 7 of Local Government Act 2002 and section 34A of Resource Management Act 1991

### 3. Future Tairāwhiti

|                            |   |
|----------------------------|---|
| <b>Reports to:</b>         | Council   |
| <b>Chairperson:</b>        | Mayor Foon  |
| <b>Deputy Chairperson:</b> | Cr Stoltz   |
| <b>Membership:</b>         | The Mayor and all Councillors   |
| <b>Quorum:</b>             | Half of the members when the number is even and a majority when the membership is uneven. |
| <b>Meeting frequency:</b>  | Six weekly (or as required).  |

#### General Purpose and Objectives

To provide the governance oversight and direction that enables an integrated approach to Council's major strategic plans, policies and projects.

To deliver on Council's community outcomes and Council's vision.

To be future focussed and set the strategic framework that guides the following Committees:

- Assets and Infrastructure
- Community Development and Services
- Environmental Planning and Regulations
- Finance & Audit

#### Terms of Reference

The Future Tairāwhiti Committee has responsibility and authority to:

1. Oversee and monitor the major strategic planning and policy work programme across the organisation which includes community, environment, land transport and infrastructure policies and plans and any potential future major projects.
2. Develop, monitor and review strategy and recommend to Council the adoption of a new or amended strategy.
3. Oversee any development of unitary/spatial plan, integrated plans or major catchment plans.
4. Lead the development of Council's draft Long Term Plan and Annual Plan and all other policies required to be included in the Long Term Plan as specified in the Local Government Act (including but not limited to the Infrastructure Strategy and Financial Strategy) for recommendation to Council.
5. Oversee major projects ensuring that the total redevelopment packages are consistent with the direction of Council.
6. Oversee, develop and approve Council responses to Iwi and Maori relationships.
7. Provide strategy and policy guidance to the Community Development & Services, Environmental Planning & Regulations, Finance & Audit and Assets & Infrastructure Committees.
8. Make recommendations within its terms of reference to Council.

## 4. Assets & Infrastructure Committee

|                            |  |
|----------------------------|--|
| <b>Reports to:</b>         | Council  |
| <b>Chairperson:</b>        | Cr Thomson   |
| <b>Deputy Chairperson:</b> | TBC  |
| <b>Membership:</b>         | As provided by resolution from time to time provided there is a minimum of six Councillors |
| <b>Quorum:</b>             | Half of the members when the number is even and a majority when the membership is uneven.  |
| <b>Meeting frequency:</b>  | Six weekly (or as required).   |

### General Purpose and Objectives

- To provide governance oversight of Council's operational programmes, services, activities and projects related to Council's infrastructural assets and utility services.
- To provide governance overview, guidance and monitoring of the operational performance of all external services against agreed levels of service and the use of funds.
- To recommend to Council the adoption of policies and practices in the use and deployment of all Council's assets and external service delivery.

### Terms of Reference

The Assets & Infrastructure Committee has responsibility and authority to:

#### Activities and Services

- Provide governance direction for the Council's infrastructure assets and activities including:
  - District Land Transport
  - Regional Development Rooding
  - Non-subsidised Rooding
  - Rivers Control and Land Drainage
  - River Flood Control schemes
  - Urban Services
  - Water Supply, Sewerage and Wastewater, Stormwater
  - Solid Waste
  - Plant, Vehicles and Radios
- Review levels of service as necessary with recommendations for change to Council.
- Receive regular quarterly financial and management reports on all activities within the scope of this Committee.
- Manage, monitor and receive regular reports on external services (within the scope of the Committee) delivered by other parties on behalf of Council.
- Work collaboratively with the Community Development and Services Committee to provide governance oversight for the construction phases for any community facility build (i.e tender let and construction phase entered).
- Management of all Council's physical assets including land, buildings and roads.

- Make decisions on infrastructure becoming Council's and on infrastructure assets on behalf of Council, where Council is required to do so under legislation
- Determine parking restrictions.
- Recommend to Council that it adopt policies and practices in the use and deployment of all Council's assets and external service delivery.

### **Financial**

- Set fees and charges for matters within its terms of reference.
- Review and adjust relevant working programme priorities within agreed budgets, activity management plans and levels of service as per the Council's Long Term Plan.
- Approve expenditure (including substituted capital expenditure) items that are provided for in the Long Term Plan or Annual Plan where the value of that expenditure exceeds that authority delegated to officers.
- Approve substituted capital expenditure.
- Delegated authority to approve expenditure not in the estimates of up to \$100,000 or above the budget by 10%, when that expenditure is \$5000 or more.

## 5. Community Development & Services Committee

|                            |  |
|----------------------------|--|
| <b>Reports to:</b>         | Council  |
| <b>Chairperson:</b>        | Cr Cranston  |
| <b>Deputy Chairperson:</b> | TBC  |
| <b>Membership:</b>         | <p>As appointed by resolution of Council from time to time provided there is a minimum of six (6) Councillors plus His Worship the Mayor ex officio.</p> <p>Non-voting advisory members as appointed by the Committee.</p> <p>Youth Council representative</p> |
| <b>Quorum:</b>             | Half of the members when the number is even and a majority when the membership is uneven   |
| <b>Meeting Frequency:</b>  | Six weekly.  |

### General Purpose and Objectives

- To provide the governance overview and monitoring of the Council's programmes, assets and policies that have the community's social, cultural or economic interests as their primary focus.
- To have oversight and responsibility for community recreation and development, parks and reserves, sports grounds, public halls, libraries, walkways, cemeteries, community and cultural facilities, community property management and community grants.
- To provide an interface between Council, government agencies, organisations, groups and individuals in the community who have a role in contributing to community wellbeing in these areas.

### Terms of Reference

The Community Development & Services Committee has responsibility and authority to:

#### 1. Community Services

- a. All services (other than infrastructure and regulatory services) delivered and activities provided by Council in the area of community development.
- b. Management of all Council's community services including:
  - HB Williams Memorial Library
  - Olympic Pool Complex
  - Lawson Field Theatre and War Memorial Theatre
  - Parks, Open Spaces and Community Property (includes sports grounds and reserves)
  - Cemeteries
  - Public Toilets
  - Playgrounds
  - Community leases
  - Community Advocacy
  - Community resilience

- Property Management
  - Recreation and leisure
  - Art and Culture
  - Economic development
  - Community Policy and Resources.
- c. Review levels of service as necessary with recommendations for change to Council.
  - d. Receive regular financial and management reports on relevant activities.
  - e. Make decisions on community services on behalf of Council with recommendations for change to Council.
  - f. Manage, monitor and report on the performance of economic development and community development contracts.

## **2. Policies and Plans**

- a. Development of strategy and policy, including any agreed community consultation, to recommend to the Council.
- b. Make, review and enforce Reserve Management Plans and policies and associated bylaws such as Public Places and Reserves bylaws.
- c. Oversee and monitor the development and implementation of Township Plans.
- d. Promote and recommend to Council strategies, policies and practices to ensure effective management of Council's community services delivery.
- e. Monitor and report on community trends and the effectiveness of Council strategies and policies.
- f. Prepare submissions on any matter that is within its rationale and terms of reference for Council approval and submit on behalf of Council when timelines do not allow Council prior approval.
- g. Recommend relevant strategies, plans, policies and programmes to Council.
- h. Recommend to the Council that it adopt policies and practices which contribute to community development and services.
- i. Ability to grant leases:
  - in respect of land held or managed under the Reserves Act 1977 and Council owned open space land:
  - approve leases, licenses and concessions, except for decisions to approve leases, licences and concessions to recreation and community groups (of land and/or buildings), and renewals of leases or licences, which are made by the Regulatory Processes Committee;
  - to approve easements;
  - to review and notify draft reserve management plans;
  - to review and recommend to Council for approval, reserve: declarations revocation classification naming; to conduct the consultation processes required to make the above recommendations or decisions.

### **3. Financial**

- a. Review and adjust relevant working programme priorities within agreed budgets, activity management plans and levels of service as per the Council's Long Term Plan.
- b. Set fees and charges for matters within its terms of reference.
- c. Approve expenditure (including substituted capital expenditure) items that are provided for in the Long Term Plan or Annual Plan where the value of that expenditure exceeds that authority delegated to officers.
- d. Recommend to Council the approval of expenditure not in the estimates of up to \$100,000 or above the budget by 10% (above \$5000).

### **4. Other**

- a. Appoint non-voting advisory members to assist the Committee.
- b. Delegated power to make all decisions of Council as administering body under the Reserves Act 1977".

### **Relevant legislation includes but is not limited to**

- Local Government Act 2002
- Resource Management Act 1991
- Reserves Act 1977
- Burial and Cremation Act 1964]
- Public Bodies Leases Act 1969
- Freedom Camping Act 2011.

## 6. Environmental Planning & Regulations Committee

|                            |  |
|----------------------------|--|
| <b>Reports to:</b>         | Council  |
| <b>Chairperson:</b>        | Cr Seymour   |
| <b>Deputy Chairperson:</b> | TBC  |
| <b>Membership:</b>         | As appointed by resolution of Council from time to time provided there is a minimum of 6 Councillors |
| <b>Quorum:</b>             | Half of the members when the number is even and a majority when the membership is uneven.            |
| <b>Meeting frequency:</b>  | Six weekly.  |

### General Purpose and Objectives

- To provide governance oversight of environmental policy, district planning and regulatory services.
- To oversee the development and review of Council's RMA plans (Regional Policy Statement, Regional Plans and District Plan).
- The area of responsibility includes formal policy and regulatory plans under the Resource Management Act 1991, Biosecurity Act 1993, Building Act 2004, Dog Control Act 1996, Health Act 1956, Freedom Camping Act 2011, Psychoactive Substances Act 2013, Bylaws, Regulations and similar legislation under the Local Government Act 2002. Policy and regulatory services, monitoring and delivery related to those Policies and Acts shall be a prime function of the Committee.
- Responsible for Council's responses and submissions to plans and policy initiatives, for the Acts listed above, as well as submissions to central government legislative initiatives related to those areas.
- To provide oversight of district plan preparation.

### Terms of Reference

The Environmental Planning & Regulations Committee has responsibility and authority to:

#### 1. Environmental Services

- a. All external services (other than community services) delivered and activities provided by Council.
- b. Management of all Council's environmental planning and regulations:
  - Resource Management Act 1991
  - Biosecurity Act 1993
  - Building Act 2004
  - Dog Control Act 1996
  - Health Act 1956
  - Psychoactive Substances Act 2013.
  - Sale & Supply of Alcohol Act 2012
- c. Review levels of service as necessary with recommendations on all legislative changes to Council.

- d. Receive regular quarterly financial and management reports on all activities covered by this Committee.
- e. Make decisions on regulatory services on behalf of Council with recommendations for change to Council.

## 2. **Policy and Plans**

- a. Monitor and report on environmental performance trends and the effectiveness of and compliance with Council's resource management responsibilities and activities associated with policy implementation.
- b. Consider environmental related policy promoted by Council - including resource management, animal control, building, biosecurity, environmental health, rural fire, liquor licensing (excluding Long Term Plans and Annual Plans) and make appropriate recommendations to Council.
- c. Recommend to Council preparation and change to Council's RMA plans as per Part I of the First Schedule of the RMA 1991 – with the exception of any major plan development which is within the ambit of Future Tairāwhiti
- d. Approve district plan change processes of an immaterial nature.
- e. Make recommendations to Council on plans, policy and policy related matters relevant to the legislation outlined above.
- f. Monitor policy implementation, delivery and enforcement by regulatory services under relevant legislation.
- g. Prepare submissions on any matter that is within its rationale and terms of reference for Council approval and submit on behalf of Council when timelines do not allow Council prior approval.
- h. Bylaws - make, review and enforce Bylaws within the terms of reference of the Committee.

## 3. **Financial**

- a. Review and adjust relevant working programme priorities within agreed budgets, activity management plans and levels of service as per the Council's Long Term Plan.
- b. Receive quarterly financial and management reports on relevant activities.
- c. Approve expenditure (including substituted capital expenditure) items that are provided for in the Long Term Plan or Annual Plan where the value of that expenditure exceeds that authority delegated to officers.
- d. Recommend to Council the approval of expenditure not in the estimates of up to \$100,000 or above the budget by 10% (where greater than \$5000).

## 7. Finance & Audit Committee

|                            |   |
|----------------------------|---|
| <b>Reports to:</b>         | Council   |
| <b>Chairperson:</b>        | Cr Wilson   |
| <b>Deputy Chairperson:</b> | TBC   |
| <b>Membership:</b>         | Committee Chairs plus 7 Councillors<br>Advisory Member (non-voting) see membership notes  |
| <b>Quorum:</b>             | Half of the members when the number is even and a majority when the membership is uneven. |
| <b>Meeting frequency:</b>  | Six weekly (or as required)   |

### General Purpose and Objectives

- To ensure that the Council has a total assurance picture of its activities in order to allocate the right level of resources to manage the Council's overall risk.
- Total assurance includes, business continuity management, internal and external audit, risk, legal compliance, IT assurance, quality assurance probity assurance. These aspects will be a prime focus of the committee.
- To ensure the robustness of the internal control framework and financial management practices through having a clear overview the financial and non-financial affairs and performance of the organisation.
- Advise Council on the preparation of and performance against budget, Annual Plans, the Long Term Plan, Annual Reports and corporate and financial policies.
- Monitor and provide an overview of Council's external and internal audit processes.
- Monitor and provide overview of risk management systems, processes and practices.
- Ensure compliance with Council's legal responsibilities.
- Monitor the performance of Council's treasury function including strategic, investment and enterprise assets.

### Terms of Reference

The Finance & Audit Committee has responsibility and authority to:

#### 1. Financial and Non-Financial Performance:

- a. Financial Performance of the organisation including:
  - The budgeting process and setting of financial objectives including funding proposals;
  - Review of performance against budget, Annual Plan, the Long Term Plan, Annual Reports and corporate and financial policies;
  - Set, monitor and review plans and financial measures, practices and policies; The sources of funds, banking arrangements, investment and debt criteria, future financial arrangements;
  - Targets set by the Long Term Plan and the Chief Executive's Performance Agreement;

- Monitor and review Council's strategic investment and enterprise assets including consideration of the operational and financial effectiveness of Council's Controlled Organisations (CCOs) Council Controlled Trading Organisations (CCTOs), Commercial Business Units;
  - Review and approve business plans including any related fees, charges and expenditure (including capital expenditure);
  - Make recommendations to Council if any change in levels of service or service provision;
  - Recommend procedures and constraints concerning the operation of all types of reserve funds;
  - Set fees and charges for Council services (including parking), provided these do not conflict with fee setting procedures of Bylaws of the Long Term Plan process and which are not set through the making of Bylaws;
  - Where outside the delegated authority of officers.
- b. Authorise any transactions which are in compliance with Council's Long Term Plan, Annual Plan, Treasury Policy or authorised contracts;
  - c. Decide applications for rate remissions, postponements and penalties, in accordance with policies published in the Long Term Plan, and any other relevant financial policies.
  - d. Call for post-implementation analyses to ensure that specified returns on expenditure are achieved;
  - e. Implementation and review of Health and Safety practices; ensure compliance with Council's legal responsibilities.

## **2. Total Assurance (includes audit, risk, IT, business continuity)**

- a. Commission and receive reports on benchmarking, organisational efficiency, and best practice procedures and methods for the internal operation of Council.
- b. Implementation and review of Information Services Strategic Plan (ISSP).
- c. Initiate and monitor audits, including special, external and any internal audits.
- d. Liaise directly with Council's auditors to satisfy them that matters concerning probity or the exercising of sensitive expenditure policies are handled appropriately.
- e. Monitor risk within the organisation, both of a financial and a non-financial nature, and recommend policies for the mitigation of risk.
- f. Oversee business continuity management.

### **3. Financial**

- a. Receive quarterly financial and management reports on relevant activities.
- b. Approve expenditure (including substituted capital expenditure) items that are provided for in the Long Term Plan or Annual Plan where the value of that expenditure exceeds that authority delegated to officers.
- c. The Finance and Audit Chair (together with the non-elected Advisor) approve and monitor the Mayor's expenditure including credit card(s).
- d. Approve and monitor elected members expenditure including allowances and fees.
- e. Monitor Council's credit cards in accordance to the Sensitive Expenditure Policy.
- f. Approve substituted capital expenditure.
- g. Approve expenditure not in the estimates of up to \$100,000 or above the budget by 10%.

### **4. Policy:**

- a. Develop and recommend to Council the adoption of all Performance (financial and non-financial) Audit and Risk related policies, and monitor and review such policies.
- b. Recommend procedures and constraints concerning the operation of all types of reserve funds.

## **Membership**

The committee will include a non council member without voting rights.

Key qualities shall include:

- Financial reporting in public entities which have more complex financial report requirements.
- Broad governance experience.
- Familiarity with risk management disciplines.
- Understanding of internal control and assurance frameworks.
- A good understanding of the roles of internal and external audit.
- Industry or sector expertise.
- The ability to explain technical matters in their field to other members of the committee.

The non-council member will be appointed for three years, or until the next election, whichever comes sooner.

Remuneration shall be a set fee of \$5,000 per annum.

## 8. Hearings Committee

|                            |   |
|----------------------------|---|
| <b>Reports to:</b>         | Council   |
| <b>Chairperson:</b>        | Cr Seymour  |
| <b>Deputy Chairperson:</b> |   |
| <b>Membership:</b>         | Seven councillors with the availability of co-opted specialists (with voting rights) as determined by the Committee |
| <b>Quorum:</b>             | Half of the members when the number is even and a majority when the membership is uneven (see special notes).       |
| <b>Meeting frequency:</b>  | Six weekly (or as required).  |

### General Purpose and Objectives

- To provide timely decisions where Council has a statutory or quasi judicial making responsibility and where decision making by full Council or staff is not necessary or practicable.

### Terms of Reference

The Hearings Committee will have responsibility for:

- Decision-making (including through a hearings process) under the Resource Management Act 1991 and related legislation;
- Hear and determine any statutory hearings under relevant legislation unless otherwise delegated by Council;
- Hearing and determining objections under the Dog Control Act 1996;
- Hearing and determining matters regarding drainage and works on private land under the Local Government Act 1974 and Local Government Act 2002. This delegation cannot be sub-delegated;
- Hearing and determining matters arising under bylaws, including applications for dispensation from compliance with the requirements of bylaws;
- Receiving recommendations from officers and appointing independent hearings commissioners to a pool of commissioners who will be available to make decisions on matters as directed by the Hearings Committee;
- Receiving recommendations from officers and deciding who should make a decision on any particular matter including who should sit as hearings commissioners in any particular hearing;
- Monitoring the performance of decision makers including responding to complaints made about decision makers;
- Where decisions are appealed or where the Hearings Committee decides that the Council itself should appeal a decision, directing the conduct of any such appeals;
- Conduct hearings for review, amendment to and new bylaws and policies following consultation.

- Adopting a policy or policies under the relevant legislation and making any necessary sub-delegations relating to any of the above areas of responsibility to provide guidance and transparency to those involved.

Not all decisions under the Resource Management Act 1991 and other enactments require a hearing to be held and the term “decision making” is used to encompass a range of decision making processes including through a hearing. “Decision making” includes, but is not limited to, decisions in relation to applications for resource consent, plan changes, notices of requirement, objections, existing use right certificates and certificates of compliance and also includes all necessary related decision making.

In adopting a policy or policies and making any sub-delegations, the Hearings Committee must ensure that it retains oversight of decision making under the Resource Management Act 1991 and that it provides for Councillors to be involved in decision making in appropriate circumstances.

For the avoidance of doubt, these delegations confirm the existing delegations (contained in the Chief Executive’s Delegations Manual) to hearings commissioners and staff relating to decision making under the RMA and other enactments mentioned below but limits those delegations by requiring them to be exercised as directed by the Hearings Committee.

## **Relevant legislation includes but is not limited to**

Unless otherwise provided for by other delegations made by Council, the Committee shall conduct all statutory hearings under:

- Reserves Act 1977
- Local Government Acts 1974 and 2002 (other than the Long Term Plan and the Annual Plan)
- Soil Conservation and Rivers Control Act 1941
- Resource Management Act 1991
- Building Act 2004
- Biosecurity Act 1993
- Dog Control Act 1996
- Gambling Act 2003
- Health Act 1956
- Any Bylaws promulgated by Council.

## **Special Notes**

1. The Committee shall have the authority to make a decision on any matter before it without reference to Council but has the power to make a recommendation or refer any matter to Council.
2. In order to reduce costs to participants in a hearing, the Chairperson of the Committee after consultation with the Group Manager Environment & Policy may direct the number of Councillors sitting on the panel be reduced to three. Where the panel is reduced to three the quorum shall be two.

## 9. Regional Transport Committee

|                            |  |
|----------------------------|--|
| <b>Reports to:</b>         | Council  |
| <b>Chairperson:</b>        | Cr TBC   |
| <b>Deputy Chairperson:</b> | Cr TBC   |
| <b>Membership:</b>         | Four Councillors (as per the Act)<br>One NZTA representative (as per the Act)<br>Non-Council representatives (see Membership notes). |
| <b>Quorum:</b>             | Three  |
| <b>Meeting Frequency:</b>  | Four times a year.   |

### General Purpose and Objectives

1. To provide governance of regional transport issues for the district. It is a requirement under the Land Transport Management Act 2003 that every regional council establish a Regional Transport Committee. Section 106 of the Land Transport Management Act states that the functions of each Regional Transport Committee are to:
  - (a) prepare a regional land transport plan, or any variation to the plan, for the approval of the relevant regional council; and
  - (b) provide the regional council with any advice and assistance the regional council may request in relation to its transport responsibilities.

### Terms of Reference

1. Facilitate the overall aim of achieving an integrated, safe, responsive and sustainable transport system in the region that satisfies as far as practicable the objectives of the Land Transport Act 1998 and the Land Transport Management Act 2003.
2. Oversee, prepare and monitor:
  - a. the current Regional Land Transport Plan.
  - b. Regional Public Transport Plan.
  - c. Regional Land Transport Programme or variations.
3. Co-ordinate applications for regionally distributed funding.
4. Facilitate the objectives of economic development, safety and personal security, public health, access and mobility, cultural interests and environmental sustainability.
5. Provide guidance to Council in co-ordinating a response to the Government Policy Statement on Land Transport.
6. Review new land transport legislation and policies and discuss its implications to Council.
7. Advocate to central government on transport issues that are of importance to this region.
8. Provide Council with any advice and assistance it may request in relation to its transport responsibilities.
9. At its discretion consider broader transportation issues that impact on the regions connectivity.

## Special Notes

The Committee has no delegated authority.

## Membership

**The NZ Transport Agency:** The Land Transport Management Act 2003 regulates an automatic NZ Transport Agency membership on the Regional Transport Committee. They have voting rights on:

The Regional Land Transport Plan

- The Regional Land Transport Programme
- The Regional Public Transport Plan
- Allocation of Regionally Distributed Funds
- All reports presented to the Committee.

The Committee has provided the NZ Transport Agency member the ability to nominate a delegate in the event the NZ Transport Agency member cannot attend a Committee meeting. The delegate has full voting rights. The NZ Transport Agency member may abstain from voting on issues that they consider have political repercussions.

**Community Advisors:** Six community advisors representing the following transport portfolios:

- Environmental Sustainability
- Safety and Personal Security
- Public Health
- Access and Mobility
- Cultural Interests
- Economic Development.

These individuals must be from the wider regional community and need to represent their particular New Zealand Strategy interests. They must not be a representative of Council. The community advisors have no voting rights other than to vote on receiving reports that are for noting.

## Rotation of Membership

The membership of the Committee will be revisited after each local government election.

# 10. Civil Defence Emergency Management Committee

|                            |   |
|----------------------------|---|
| <b>Reports to:</b>         | Council   |
| <b>Chairperson:</b>        | Mayor Foon  |
| <b>Deputy Chairperson:</b> | Cr Stoltz   |
| <b>Membership:</b>         | The Mayor and all Councillors   |
| <b>Quorum:</b>             | Half of the members when the number is even and a majority when the membership is uneven. |
| <b>Meeting Frequency:</b>  | As required. Meetings may take place on the same day as Council meetings.                 |

## Rationale

- To ensure that appropriate emergency management as detailed in Civil Defence Emergency Management Act 2002 (the Act) is carried out within the Gisborne District.
- Provide governance and oversight of the activities required to be undertaken on its behalf by the Act.

## General Purpose and Objectives

The Civil Defence and Emergency Management Committee has responsibility and authority to:

1. Be Gisborne's strategic forum for civil defence emergency management planning and policy.
2. Co-ordinate planning, programmes and activities related to civil defence emergency management across the areas of risk reduction, readiness, response and recovery.
3. Assist in local Civil Defence Emergency Management planning activity through developing, approving, implementing and monitoring the Gisborne Civil Defence Emergency Management Group Plan and ensuring alignment of local planning with national plans and strategy.
4. Exercise the statutory powers outlined in the Act, including undertaking the functions prescribed in section 17 of the Act.

## Relevant Legislation includes but is not limited to

- Civil Defence Emergency Management Act 2002

## Special Notes

1. To assist the Group to achieve its responsibilities a Co-ordinating Executive Group (CEG) has been formed to provide advice, implement its decisions and oversee the Group Plan.
2. CEG comprises of senior officers from Council and the organisations providing emergency and essential services, as defined by the Act.
3. CEG and the Emergency Management Office are responsible for forming and maintaining relationships with a wide range of agencies and organisations, including those listed above under Collaborations.

# 11. District Licensing Committee

|                            |   |
|----------------------------|---|
| <b>Reports to:</b>         | Council                                 |
| <b>Chairperson:</b>        | Cr Seymour                              |
| <b>Deputy Chairperson:</b> | Cr Wharehinga                           |
| <b>Membership:</b>         | Three members including the Chairperson |
| <b>Quorum:</b>             | Three (see special notes).              |
| <b>Meeting Frequency:</b>  | Monthly (or as required).               |

## General Purpose and Objectives

- To consider and determine all relevant applications under the Sale and Supply of Alcohol Act 2012.

## Terms of Reference

The District Licensing Committee has responsibility and authority to:

1. Consider and determine applications for licences and manager's certificates.
2. Consider and determine applications for renewal of licences and manager's certificates.
3. Consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with certain requirements.
4. Consider and determine applications for the variation, suspension or cancellation of special licences.
5. Consider and determine applications for the variation of licences (other than special licences).
6. With the leave of the chairperson of the licensing authority, refer applications to the licensing authority.
7. Conduct inquiries and make reports as may be required of it by the licensing authority.
8. Make decisions and perform all other duties and functions conferred on the Committee by the Sale and Supply of Alcohol Act 2012 or any other enactment.
9. To make recommendations to Council as required.

## Relevant legislation includes but is not limited to

- Sale and Supply of Alcohol Act 2012.

## Special Notes

- The Chairperson sitting alone can determine uncontested licence applications and manager's certificates.
- The Committee may request expert advice through the Chief Executive where necessary.
- The Council maintains a list of potential members of 2 Councillors and 4 laypeople from which the 3 members of any given committee may be drawn by the Secretary of the District Licensing Committee.

## 12. Wastewater Management Committee

|                            |   |
|----------------------------|---|
| <b>Reports to:</b>         | Council   |
| <b>Chairperson:</b>        | Cr Burdett  |
| <b>Deputy Chairperson:</b> | TBC   |
| <b>Membership:</b>         | Four Councillors (including the Chairperson) and four tangata whenua representatives. |
| <b>Quorum:</b>             | Four members. Two to be Councillors and two to be tangata whenua.                     |
| <b>Meeting Frequency:</b>  | Four times a year.  |

### General Purpose and Objectives

The establishment of this Committee is a requirement of the conditions of the resource consents for the upgrade and discharge of Gisborne's municipal wastewater.

On 21 September 2007 the Minister of Conservation granted the coastal permit for the discharge of treated wastewater to the marine area subject to the same conditions as recommended by the Hearings Committee.

### Terms of Reference:

1. Ensure implementation, commissioning and monitoring of the wastewater treatment plant is carried out in accordance with the consent conditions.
2. Monitor compliance with permit conditions and separated industry standards.
3. Explore feasible options for alternative use and disposal of domestic and industrial wastewater and recommend implementation.
4. Identify research, monitoring and planning projects to improve the mauri and water quality of Turanganui a Kiwa. Develop and administer the Turanganui a Kiwa Water Quality Enhancement Project.
5. Ensure development of educational information to encourage reductions in domestic and industrial wastewater.
6. Recommend membership of and receive reports from independent review panel (IRP).
7. Provide an annual report to the Chief Executive of the Gisborne District Council.
8. Carry out the functions required by the conditions of the resource consents and report to Council about the same.
9. The Committee has no delegated authority from Council other than the functions expressed in the conditions of the resource consents.

### Collaborations

These arrangements are entered into by the Gisborne District Council and tangata whenua representatives of Turanganui a Kiwa, supported by other members of the Committee, in a spirit of goodwill and a pledge to act towards each other with the utmost good faith.

Each member to this protocol is committed to progressing and enhancing the overall wellbeing of the district's people, environment and heritage by acknowledging and accommodating each other's values and philosophies where applicable.

The Committee will develop and maintain effective relations with other Council committees, Government and its departments, NGOs and other stakeholders to achieve its terms of reference, and in particular:

- Gisborne District Council officers
- Tairāwhiti District Health Board
- Department of Conservation
- Industry
- Recreational groups
- Environmental groups
- Federated Farmers.

## Special Notes

1. Membership of the committee comprises four councillors and four tangata whenua representatives and other members that the Committee itself shall determine from time to time.
2. The Committee may appoint, or invite participation in an advisory or consultative capacity, other persons from:
  - Gisborne District Council officers
  - Tairāwhiti District Health Board
  - Department of Conservation
  - Industry
  - Recreational Groups
  - Environmental Groups
  - Federated Farmers.

Others who may have a particular contribution to make to the workings of the Committee.

The Council agrees to remunerate members that the Committee appoints.

## 13. Local Leadership Body

|                            |  |
|----------------------------|--|
| <b>Reports to:</b>         | Council  |
| <b>Chairperson:</b>        | TBC  |
| <b>Deputy Chairperson:</b> | TBC  |
| <b>Membership:</b>         | <p>The membership of the Local Leadership Body (LLB) is as follows:</p> <p>2 members appointed by the Ngai Tamanuhiri trustees; and</p> <p>2 members appointed by the trustees of the Rongowhakaata Charitable Trust; and</p> <p>2 members appointed by the trustees of Te Aitanga a Māhaki Trust; and</p> <p>6 members (comprising the mayor and 5 councillors holding office from time to time), appointed by the Council.</p> |
| <b>Quorum:</b>             | TBC  |
| <b>Meeting Frequency:</b>  | TBC  |

### General Purpose and Objectives

The Local Leadership Body was established under Treaty Settlement Legislation 'Statutory Body' under the Act. Its purpose is to:

- (a) contribute to the sustainable management of the natural and physical resources in the LLB area for the use and enjoyment of present and future generations, while recognising and providing for the traditional relationship of Ngai Tāmanuhiri, Rongowhakaata, and Te Aitanga a Māhaki and Affiliates with their ancestral lands, water, sites, wāhi tapu, and other taonga; and
- (b) to enable individuals and communities within the LLB area, as resources allow,—
  - (i) to provide for their social, economic, and cultural well-being; and
  - (ii) to achieve improved outcomes in respect of the environment; and
- (c) to ensure that the Council is appropriately informed of its statutory obligations within the LLB area, including obligations in respect of Te Tiriti o Waitangi arising under the Local Government Act 2002 and the Resource Management Act 1991 and any other relevant enactment.

## Terms of Reference:

The primary function of the LLB is to achieve the purpose of the LLB.

In achieving the purpose of the LLB, the LLB may—

- (a) gather and disseminate information and hold meetings for the purpose of identifying existing and any new issues that affect the LLB area:
- (b) develop policies and strategies to—
  - (i) address any significant issues relevant to the purpose of the LLB that are identified within the LLB area:
  - (ii) assist in achieving the purpose of the LLB:
- (c) monitor, evaluate, and review those policies and strategies:
- (d) promote the integrated and co-ordinated management of the natural and physical resources of the LLB area:
- (e) provide information to assist with the preparation of the regional policy statement, any regional plans, the district plan, annual plan, and any long-term plan of the Council, to the extent that those instruments are relevant to the LLB area:
- (f) provide advice to the Council on applications for resource consents, designations, heritage orders, and water conservation orders within the LLB area and in relation to the transfer or delegation of powers that are relevant to the LLB area:
- (g) monitor the extent to which the purpose of the LLB is being achieved:
- (h) take any other agreed action that is relevant to achieving the purpose of the LLB.

The members of the LLB must, individually and collectively, approach decision making in a manner that is consistent with, and reflects, the purpose of the LLB.

The LLB has the powers reasonably necessary to carry out its functions in a manner consistent with this subpart and the relevant provisions in—

- the [Local Government Act 2002](#); and
- the [Local Government Act 1974](#); and
- the [Local Authorities \(Members' Interests\) Act 1968](#); and
- the [Local Government Official Information and Meetings Act 1987](#).

# 14. Specific Roles and Delegations

## 14.1 Iwi

The Council has statutory obligations to iwi and Māori, by virtue of the Treaty of Waitangi, in particular in relation to the Resource Management Act 1991 and Local Government Act 2002.

### 1. Treaty partnerships

Council has the following formal agreements:

1. Memorandum of Understanding with Te Runanganui o Ngati Porou and Ministry of Primary Industries demonstrating a 100-year commitment to collaboratively work with landowners to address the health of the Waiapu River Catchment (2014).
2. Memorandum of Understanding with Te Runanga o Turanganui a Kiwa guiding the governance relationship as well as an operational agreement to work together towards.
3. Joint Management Agreement with Te Runanganui o Ngati Porou and Council (2015)

Through the Treaty Settlement process the Ngai Tamanuhiri Settlement Act established the Local Leadership Body which is a Joint Committee of Council.

### 2. Mana Whenua agreements

The Council has in place relationship documents:

- The Tītīrangi Accord – Ngāti Oneone and Council general relationship accord (2002).
- A protocol for the Tītīrangi Reserve between Ngāti Oneone and Gisborne District Council to be superseded by Ngati Oneone – Council Co-Management Agreement (2016).
- Heinz-Wattie site protocol between the representatives of Te Whanau-ā-Iwi, Ngāi Tāwhiri, Ngāti Oneone, kaumātua, Gladiator Investments Limited and Gisborne District Council.
- Memorandum of understanding between Te Runanga o Turanganui a Kiwa and Council for Hawaikituranga.
- Ngati Rakai-Ngati Oneone Hapu wahi tapu protocol 2009.
- Kopututea Co-Management Agreement (2012).

## 14.2 Mayor

The Mayor is the leader of the Council and has the statutory role to provide leadership to the other members of the Council and the people in the district.

The Mayor also has the following roles:

- To appoint the Deputy Mayor, to establish Council committees and appoint chairs to those committees.
- To preside at Council meetings. The Mayor is responsible for ensuring the orderly conduct of business during meetings (as determined in standing orders).
- Voting rights of the Mayor are described in the standing orders.
- Lead the development of the long term plan and the annual plan.
- Lead policy and development.
- Spokesperson for the Council.

- Advocate on behalf of the community.
- Justice of the Peace.
- Member of all committees.

The Mayor must follow the same rules as other elected members about making public statements and committing the Council to a particular course of action, unless acting under a delegation of authority from the Council and in accordance with the rules for media contact on behalf of the Council.

### 14.3 Deputy Mayor

The Deputy Mayor is appointed by the Mayor at the first meeting of the Council.

The Deputy Mayor will:

- Assist the Mayor in carrying out the statutory and leadership role of the Mayor.
- If the Mayor is absent or incapacitated, perform all of the responsibilities and duties, and exercise any powers of the Mayor (other than the powers under section 41A LGA 2002 and the role of Justice of the Peace).

In the absence of the Mayor, for the Council to successfully discharge its responsibilities and duties in support of its purpose, the Deputy Mayor is empowered to perform the duties and responsibilities of the Mayor under subclauses 17(3), (4) and (5) of Schedule 7 of the Local Government Act 2002.

### 14.4 Chair of a Committee or Subcommittee

A Chair of a Committee or Subcommittee will:

- provide leadership to the committee
- ensure governance oversight and direction is provided to the projects that report to their committee
- conduct the meeting in accordance with standing orders and legislation
- enhance relationships with key stakeholders;
- act as the Council's spokesperson and point of contact for the committee's activities
- collaborate with other Committee Chairs where objectives are shared
- work constructively and effectively with Council officers
- maintain a no surprises approach for elected members and staff
- keep the Mayor informed of emerging issues.

### 14.5 Major Project Advisory Groups

Major project advisory groups combine management and appointed elected members to have high level oversight of Council's approved major projects.

Elected members and other externally appointed members (where applicable) will work positively and constructively together with Council staff.

This is to ensure that major projects are delivered with wider community and governance input and expectations. The general terms of reference for the major project advisory groups include:

- To provide close monitoring of the major project work programme and budget.
- To provide input (often at a technical level) to guide positive major project work outcomes.
- To assist in early identification of political and or community issues impacting on the major project.

- To facilitate opportunities for integration, collaboration and co-ordination.
- To provide an additional conduit from the major project working group to the Committees and Council.

Major project advisory groups are not the decision-makers on final decisions for major projects. Major projects advisory groups are advisory to the Chief Executive who has the responsibility of delivery for all operational matters.

Should Councillors and members of the major project advisory groups have a conflicting view from that of staff, the conflict is able to be debated and resolved once staff papers are provided to Council, who is the final arbiter.

The following principles will guide the advisory groups:

- Open information sharing
- Working cooperatively
- Appreciation between management and governance responsibility.

## 14.6 Other Advisory and Reference Groups

Any advisory or reference groups that are established by Council or Committees will operate under their own approved terms of reference. Their role generally will be to give advice or feedback to the Council on particular matters as determined by the Council or Committees.

## 14.7 Council Observers

There are other activities within Council that often benefit from elected members participation by way as an "observer" such as Tairawhiti Roads and the Strategic Technical Advisory Group for roading.

Generally the observer"

- Accepts and supports the objectives of the groups they are "observing"
- Recognises the operational framework that applies to the activities

While the primary role of observers is to observe the work of Council officers. Observers should continue to make relevant contributions through their engagement in the activity through participation at the relevant Committees.

In meetings of the Council's subsidiary bodies to which observers have been invited to participate, observers may, at the discretion of the Chair, make statements, present written statements, submit relevant documents and provide views on the issues under discussion.